

REMARKS

The claim objections of the examiner have been addressed by changing "flower holder" to "vase" where appropriate. In addition, claims 5 and 7 are cancelled which is believed to overcome the examiner's rejection of the claims under 35 U.S.C. 112. Also, by this amendment, claims 1 and 9 are amended so as more clearly to define applicant's invention in view of the art cited by the examiner. Reconsideration of claims 1, 3, 4 and 9 are requested.

The examiner rejected claims 1, 3, 4 and 9 under 35 U.S.C. 103(a) as being unpatentable over Ruibal in view of Roder. The examiner states that Ruibal shows, in FIG 6, arms 16 and 58 extending outwardly from shaft 14 and adapted to deform by contact with the inner surface of the vase. The examiner also stated that Ruibal's extensions are deformed inherently depending on the size of pot 17 and that the extensions are capable of deforming by a tight friction fit by means of the length of the extensions being greater than the distance between the shaft and the inner surface of the pot. The examiner cited wire legs 51 in FIG 5 of Ruibal as having a length greater than the distance between the shaft and the inner surface of the pot.

Applicant's amended claims 1 and 9 specifically define the extensions as being straight and integrally joined to the shaft with the extensions deformed by means of the length thereof being greater than the distance between the shaft and the inner surface of the vase. Ruibal's legs 51 are not straight and there is no teaching in Ruibal that arms 16 and 58 are deformed. Simply changing the size of pot 17 would not cause arms 16 and 58 to deform because they are not integrally joined to shaft 14 and simply slide up and down shaft 14 by means of orifices 18 being larger than the outer diameter of pole 14. These features are described in detail in Ruibal beginning at column 3, line 17 and at column 4, line 64 with respect to the structure shown in FIG 5. There is no teaching in Ruibal that the arms are deformable and, in fact, the arms are structurally incapable of deformation because they are not integrally joined to the shaft. For these reasons, independent claims 1 and 9 are believed to distinguish applicant's invention over the art cited by the examiner.

Dependent claims 3 and 4 are believed allowable because they define further specific features of applicant's invention.

From the above, it is believed that this application is in condition for allowance.
Therefore, reconsideration and allowance of claims 1, 3, 4 and 9 are requested.

Respectfully submitted,



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